

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
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)
)
 v.)
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)
 JOSE LOPEZ TORRES,) Case Nos. 1:14-cr-00306-GBL-2
 ALVIN GAITAN BENITEZ,) 1:14-cr-00306-GBL-4
 CHRISTIAN LEMUS CERNA,) 1:14-cr-00306-GBL-5
 OMAR DEJESUS CASTILLO,) 1:14-cr-00306-GBL-6
 DOUGLAS DURAN CERRITOS,) 1:14-cr-00306-GBL-7
 MANUEL ERNESTO PAIZ GUEVARA,) 1:14-cr-00306-GBL-8
 JESUS ALEJANDRO CHAVEZ,) 1:14-cr-00306-GBL-10
)
 Defendants.)
)

ORDER

This matter is before the Court on Defendants Jesus Alejandro Chavez, Jose Lopez Torres, Alvin Gaitan Benitez, Omar De Jesus Castillo, Douglas Duran Cerritos, and Manuel Paiz Guevara's oral motion to strike the testimony of and transcripts prepared by Government witnesses Liliana Portwine, Sandra D'Sa, and Vania Vargas, who are language analysts, linguists and Spanish-language monitors with the Federal Bureau of Investigation ("FBI").

Having reviewed the testimony in this case, the Court hereby finds that these witnesses are qualified to render testimony in this case regarding Salvadoran dialect only. The Court finds that these witnesses are qualified by way of their training and experience through their work for the FBI, and at a minimum, meet the standards set forth in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). The matters raised by defense counsel on cross-examination go to the weight of the testimony and transcripts, not to admissibility. The question regarding multiple interpretations of gang slang and the witnesses' methods of gathering

information about gang parlance in order to form their individual opinions about the meanings of words or phrases are a dispute of fact to be determined by the jury. Accordingly,

IT IS HEREBY ORDERED that Defendants' oral motion to strike is **DENIED**;

IT IS FURTHER ORDERED that briefing by the Government on this issue is no longer necessary; and

IT IS FURTHER ORDERED that the Government submit to defense counsel and the Court the following items by close of business on **Monday, April 11, 2016**:

- (1) FBI job descriptions for language analysts, linguists, and Spanish-language monitors;
- (2) Any FBI rule of regulation that prohibits language analysts, linguists, or Spanish language monitors from preparing transcripts for federal court;
- (3) Any FBI rule or regulation that prohibits language analysts, linguists, or Spanish language monitors from testifying in federal court;
- (4) Any FBI documents or regulations identifying the manner in which the FBI measures the reliability of summaries and transcripts prepared by language analysts, linguists, or Spanish language monitors.

IT IS SO ORDERED.

ENTERED this 8th day of April, 2016.

Alexandria, Virginia
4 / 8 / 2016

/s/
Gerald Bruce Lee
United States District Judge